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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RIGHTHAVEN LLC, a Nevada limited-
liability company,

Plaintiff,

v.

BRIAN LOJECK, an individual,

Defendant.

Case No.: 2:10-cv-0887

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Righthaven LLC (“Righthaven”) complains as follows against Brian Lojeck (“Mr. Lojeck”) on information and belief:

NATURE OF ACTION

1. This is an action for copyright infringement pursuant to 17 U.S.C. §501.

PARTIES

2. Righthaven is, and has been at all times relevant to this lawsuit, a Nevada limited-liability company with its principal place of business in Nevada.

3. Righthaven is, and has been at all times relevant to this lawsuit, in good standing with the Nevada Secretary of State.

4. Mr. Lojeck is, and has been at all times relevant to this lawsuit, identified by the current registrar, GoDaddy.com, Inc. (“GoDaddy”), as the registrant, administrative contact, and technical contact for the Internet domain found at <whatbrianthinksaboutlasvegas.com> (the “Domain”).

JURISDICTION

5. This Court has original subject matter jurisdiction over this copyright infringement action pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1338(a).

6. Righthaven is the owner of the copyright in the literary work entitled “Sarah Palin may happen in Vegas” (the “Work”), attached hereto as Exhibit 1.

7. At all times relevant to this lawsuit, the Work has depicted and depicts the original source publication as the Las Vegas Review-Journal.

8. Mr. Lojeck willfully copied, on an unauthorized basis, a substantial and significant portion of the Work from a source emanating from Nevada.

9. On or about March 4, 2010, Mr. Lojeck displayed, and continues to display, an unauthorized reproduction of the Work (the “Infringement”), attached hereto as Exhibit 2, as part of the content accessible through the Domain (said content accessible through the Domain known herein as the “Website”).

10. At all times relevant to this lawsuit, the Infringement has depicted and depicts the original source publication as the Las Vegas Review-Journal.

11. The subject matter, at least in part, of the Work and the Infringement, is a politician’s reference to a Las Vegas, Nevada-based comedy show.

1 12. At all times relevant to this lawsuit, Mr. Lojeck knew that the Work was
2 originally published in the Las Vegas Review-Journal.

3 13. At all times relevant to this lawsuit, Mr. Lojeck knew that the Infringement was
4 and is of specific interest to Las Vegas, Nevada residents.

5 14. Mr. Lojeck's display of the Infringement was and is purposefully directed at
6 Nevada residents.

7 15. Mr. Lojeck copied, on an unauthorized basis, a substantial and significant portion
8 of the literary work entitled "Saxe adds theater at Miracle Mile Shops" (the "Saxe Article"),
9 attached hereto as Exhibit 3, from a source emanating from Nevada.

10 16. On or about April 8, 2010, Mr. Lojeck displayed, and continues to display, the
11 Saxe Article on the Website.

12 17. Mr. Lojeck's display of the Saxe Article was and is purposefully directed at
13 Nevada residents.

14 18. Mr. Lojeck copied, on an unauthorized basis, the literary work entitled "Grand
15 opening at Red Rock visitors center set for today" (the "Red Rock Article"), attached hereto as
16 Exhibit 4, from a source emanating from Nevada.

17 19. On or about April 10, 2010, Mr. Lojeck displayed, and continues to display, the
18 Red Rock Article on the Website.

19 20. Mr. Lojeck's display of the Red Rock Article was and is purposefully directed at
20 Nevada residents.

21 21. Mr. Lojeck purposefully directs and effectuates the unauthorized reproduction of
22 Righthaven-owned copyrighted works on the Website.

23 22. Mr. Lojeck purposefully directs activities at Nevada residents, which activities
24 have resulted in the copyright infringement alleged herein.

25 23. Mr. Lojeck's contacts with Nevada are continuous and systematic because Mr.
26 Lojeck utilized and utilizes a derivative of the iconic "Welcome to Fabulous Las Vegas"
27 diamond-shaped sign as a logo on the Website, evidence of which is attached hereto as Exhibit 5.
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FACTS

31. The Work constitutes copyrightable subject matter, pursuant to 17 U.S.C. §102(a)(1).

32. Righthaven is the owner of the copyright in the Work.

33. The Work was originally published on March 4, 2010.

34. On May 26, 2010, the United States Copyright Office (the “USCO”) granted Righthaven the registration to the Work, copyright registration number TX0007145881 (the “Registration”) and attached hereto as Exhibit 8 is evidence of the Registration in the form of a printout of the official USCO database record depicting the occurrence of the Registration.

35. No later than March 4, 2010, Mr. Lojeck displayed, and continues to display, the Infringement on the Website.

36. As of June 7, 2010, Mr. Lojeck claims ownership of the copyright(s) in the literary works posted on the Website as evidenced by a copyright notice displayed on the Website: “The text and artwork on this site are the sole work, property and copyright of Brian Lojeck of Compton, CA, 2004.”

37. Mr. Lojeck did not seek permission, in any manner, to reproduce, display, or otherwise exploit the Work.

38. Mr. Lojeck was not granted permission, in any manner, to reproduce, display, or otherwise exploit the Work.

CLAIM FOR RELIEF: COPYRIGHT INFRINGEMENT

39. Righthaven repeats and realleges the allegations set forth in Paragraphs 1 through 38 above.

40. Righthaven holds the exclusive right to reproduce the Work, pursuant to 17 U.S.C. §106(1).

41. Righthaven holds the exclusive right to prepare derivative works based upon the Work, pursuant to 17 U.S.C. §106(2).

1 42. Righthaven holds the exclusive right to distribute copies of the Work, pursuant to
2 17 U.S.C. §106(3).

3 43. Righthaven holds the exclusive right to publicly display the Work, pursuant to 17
4 U.S.C. §106(5).

5 44. Mr. Lojeck reproduced the Work in derogation of Righthaven's exclusive rights
6 under 17 U.S.C. §106(1).

7 45. Mr. Lojeck created an unauthorized derivative of the Work in derogation of
8 Righthaven's exclusive rights under 17 U.S.C. §106(2).

9 46. Mr. Lojeck distributed, and continues to distribute, an unauthorized reproduction
10 of the Work on the Website, in derogation of Righthaven's exclusive rights under 17 U.S.C.
11 §106(3).

12 47. Mr. Lojeck publicly displayed, and continues to publicly display, an unauthorized
13 reproduction of the Work on the Website, in derogation of Righthaven's exclusive rights under
14 17 U.S.C. §106(5).

15 48. Mr. Lojeck has willfully engaged in the copyright infringement of the Work.

16 49. Mr. Lojeck's acts as alleged herein, and the ongoing direct results of those acts,
17 have caused and will continue to cause irreparable harm to Righthaven in an amount Righthaven
18 cannot ascertain, leaving Righthaven with no adequate remedy at law.

19 50. Unless Mr. Lojeck is preliminarily and permanently enjoined from further
20 infringement of the Work, Righthaven will be irreparably harmed, and Righthaven is thus
21 entitled to preliminary and permanent injunctive relief against further infringement by Mr.
22 Lojeck of the Work, pursuant to 17 U.S.C. §502.

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25 **PRAYER FOR RELIEF**

26 Righthaven requests that this Court grant Righthaven's claim for relief herein as follows:

27 1. Preliminarily and permanently enjoin and restrain Mr. Lojeck, and Mr. Lojeck's
28 agents, servants, employees, attorneys, parents, subsidiaries, related companies, partners, and all

1 persons acting for, by, with, through, or under Mr. Lojeck, from directly or indirectly infringing
2 the Work by reproducing the Work, preparing derivative works based on the Work, distributing
3 the Work to the public, and/or displaying the Work, or ordering, directing, participating in, or
4 assisting in any such activity;

5 2. Direct Mr. Lojeck to preserve, retain, and deliver to Righthaven in hard copies or
6 electronic copies:

7 a. All evidence and documentation relating in any way to Mr. Lojeck's use
8 of the Work, in any form, including, without limitation, all such evidence and
9 documentation relating to the Website;

10 b. All evidence and documentation relating to the names and addresses
11 (whether electronic mail addresses or otherwise) of any person with whom Mr. Lojeck
12 has communicated regarding Mr. Lojeck's use of the Work; and

13 c. All financial evidence and documentation relating to Mr. Lojeck's use of
14 the Work;

15 3. Direct GoDaddy and any successor domain name registrar for the Domain to lock
16 the Domain and transfer control of the Domain to Righthaven;

17 4. Award Righthaven statutory damages for the willful infringement of the Work,
18 pursuant to 17 U.S.C. §504(c);

19 5. Award Righthaven costs, disbursements, and attorneys' fees incurred by
20 Righthaven in bringing this action, pursuant to 17 U.S.C. §505;

21 6. Award Righthaven pre- and post-judgment interest in accordance with applicable
22 law; and

23 7. Grant Righthaven such other relief as this Court deems appropriate.
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DEMAND FOR JURY TRIAL

Righthaven requests a trial by jury pursuant to Fed.R.Civ.P. 38.

Dated this ninth day of June, 2010.

RIGHTHAVEN LLC

By: /s/ Joseph C. Chu
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